



City of NORFOLK

C: Dir., Department of Public Works

To the Honorable Council
City of Norfolk, Virginia

June 28, 2016

From: David Ricks, Director of Public Works

Subject: Encroach into the right-of-way at 328 W. 20th Street with lights and signage

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:

Marcus D. Jones, City Manager

Item Number:

R-4

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** The Palace Shops South, LLC
3258 W. 20th Street
Norfolk, Virginia 23517

III. **Description:**
This agenda item is an ordinance permitting The Palace Shops South, LLC ("The Palace Shops") to encroach into the right-of-way at 328 W. 20th Street with lights and signage.

IV. **Analysis:**
An encroachment is an object or structure that infringes into the City of Norfolk's (the "City's") rights-of-way or property. *Norfolk City Code*, Section 42-10, requires all encroachments into the right-of-way to be approved by City Council. The encroachment in this location will allow The Palace Shops to enhance the façade and identify their building.

V. **Financial Impact:**
Liability insurance has been provided naming the City as additional insured in the amount of \$1,000,000; therefore, there should be no financial risk to the City. The City did not charge a fee for this encroachment.

VI. **Environmental:**
N/A

VII. Community Outreach/Notification:

Public notification for this agenda item was conducted through the City's agenda notification process. The encroachment was reviewed and recommended by the Norfolk Design Review Committee and the City Planning Commission.

VIII. Board/Commission Action:

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office has reviewed this request for encroachment and offer no objections.

IX. Coordination/Outreach:

This letter has been coordinated with the Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A (2 Sheets)

Form and Correctness Approved

By Nathaniel Seaman
Office of the City Attorney

Contents Approved:

By BJ
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING THE PALACE SHOPS SOUTH, LLC TO ENCROACH INTO THE RIGHT-OF-WAY AT 328 W. 20TH STREET WITH LIGHTS AND SIGNAGE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to The Palace Shops South, LLC ("Palace Shops") to encroach into the right-of-way at 328 W. 20th Street with lights and signage, as shown on Exhibit A attached hereto, such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Palace Shops, or its successors and assigns, shall immediately remove the encroaching structures.
- (2) That upon the removal of the encroaching structures or any part thereof, the authority hereby granted shall cease and terminate.
- (3) That Palace Shops, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect during the term of the encroachment general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least \$1,000,000.00 each occurrence and \$2,000,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City and/or Palace Shops, and its successors and assigns, for any injury to, or death of any person or persons, or for any damage to, or destruction of property resulting from the installation, maintenance, or existence of said encroaching

structures, with evidence of such insurance being provided to the City.

- (4) That the City shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way at 328 W. 20th Street, the location being shown on Exhibit A.

Section 2:- That the failure of Palace Shops, or its successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by the Palace Shops, and its successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

PROPERTY OF

Cardinal
SIGN CORPORATION

2629 Dean Drive
Virginia Beach, Va. 23452

Phone:
(757) 486-3412

Fax:
(757) 486-7658

E-Mail:
SSTOLLINGS@
CARDINALSIGN.COM

Client:
Jessy's
Taco Bistro

Sign Location:
328 W 20th St
Norfolk VA

Design No.:
26109-BR3

Designer:
kd

Salesman:
Stan Stollings

Scale:
3/4"=1'-0"

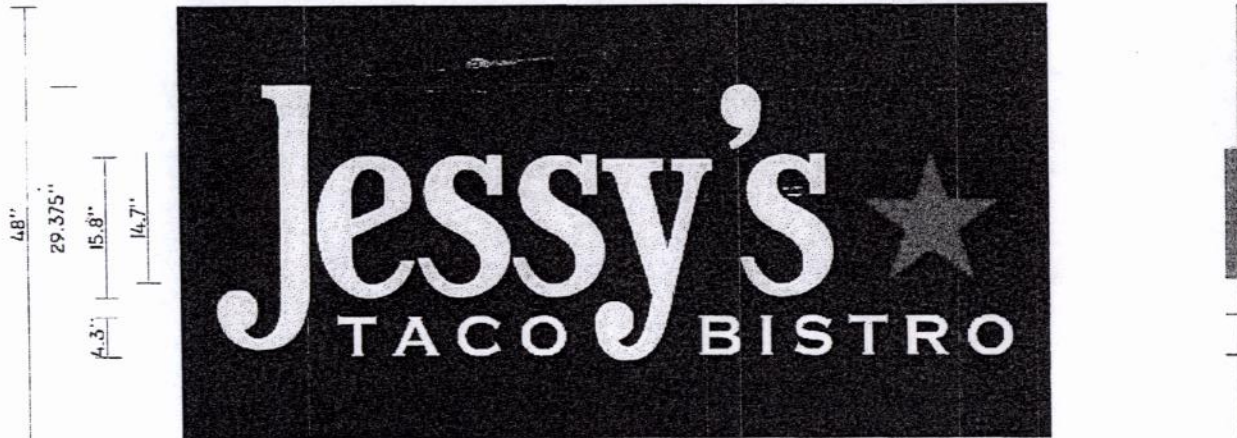
Date:
2-10-16

Customer Approval:
Signature _____
Date _____

96"

(B)

57.15"
1.1



SIGN B: 1/2" PVC CUT OUT LETTERS & STAR
MOUNTED ON 48" X 96" X 1/2" PVC SHEET

- ALL PIECES PAINTED PER COLORS SHOWN
IN DRAWING ABOVE

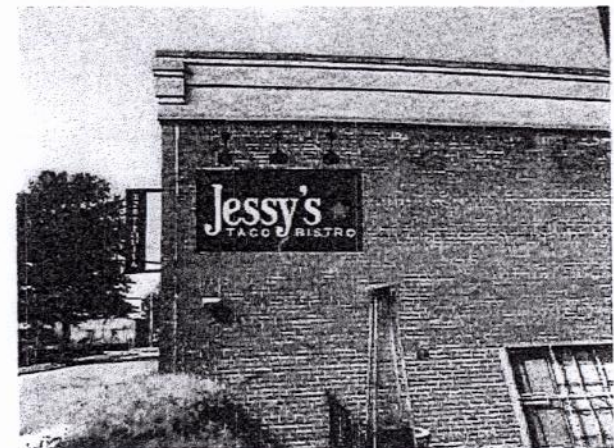


EXHIBIT A TO ORDINANCE

(1) (3) (4)

PROPERTY OF

Cardinal
SIGN CORPORATION

2628 Dean Drive
Virginia Beach, Va. 23452

Phone:
(757) 486-3412

Fax:
(757) 486-7658

E-Mail:
SSTOLLINGS@
CARDINALSIGN.COM

Client:
Jessy's
Taco Bistro

Sign Location:
328 W 20th St
Norfolk VA

Design No.:
26109-CR1

Designer:
kd

Salesman:
Stan Stollings

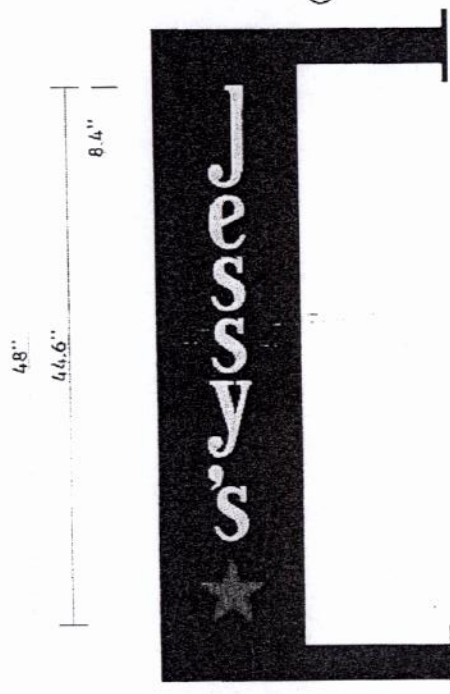
Scale:
1"=1'-0"

Date:
12-3-15

Customer Approval:
Signature
Date

12"

©



SIGN C: D/F FLAG MOUNTED METAL SIGN



2